

Considered: _____

WATER PERMIT NO. 5207-3

HAP No. same

Name of Applicant Jim - Rec - Ag Corporation, G.H. Shanard, President

Post Office Address PO Box 1023, Mitchell SD 57301

Amount of Water Claimed no add'l Total Acres 43.1

Source of Water Supply James River

Water to be used for irrigation County Davison & Hanson

About 3 miles N of Mitchell

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received May 23, 1988 Fee \$ 50⁰⁰ Remarks _____

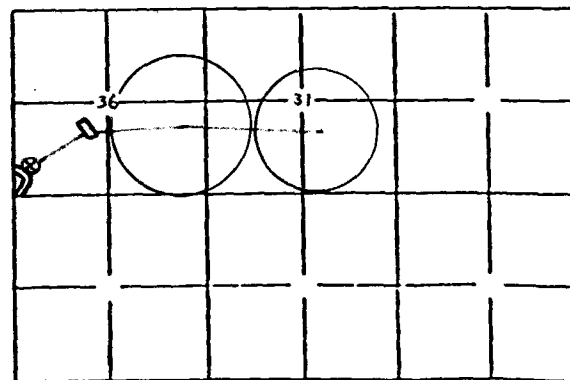
Corrected Application Received July 11, 1988 Period of Annual Use Apr 1 - Nov 1

WATER QUALITY APPROVAL RECEIVED ✓ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ✓ NO _____ REMARKS _____

Diversion Point James River: SW $\frac{1}{4}$ SW $\frac{1}{4}$; regulating pond: NE $\frac{1}{4}$ SW $\frac{1}{4}$; all in section 36-T104N-R60W

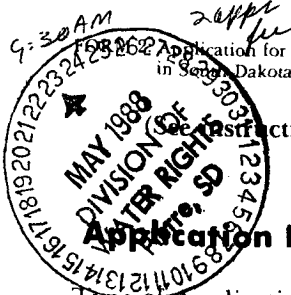
Land to be Irrigated (transfer of irrigated acreage location) S $\frac{1}{2}$ NE $\frac{1}{4}$ section 31-T104N-R59W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Ron Duvall Reviewed and the Number assigned on August 9, 1988 By Ron Duvall



No. 5207-3 Hydrologic Unit 10160011
Basin James River
Newspaper Mitchell Daily Republic, Box 1288
Alexandria-Herald, Box 450 (Thurs)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

Application for irrigation (type or print)
in South Dakota

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. 464-3
- ☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Jim-Rec-Ag Corporation
1. Name of Applicant XXXXXXXXXXXX G.H. Shanard, President Phone No. _____
- Post Office Address XXXXXX P.O. Box 1023 Mitchell State SD 57301
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated 43.1
3. Source of Water supply James River
4. Location of point of diversion James River: 690 ft N & 230 ft E flow regulating pond
1780 ft N and 2145 Ft E: both from the SW corner of Section 36-T104N-R60W
County Davison
5. Counties where water will be used Davison and Hanson
6. Annual period during which water is to be used April 1 - November 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31-T104N-R59W	30.7
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31-T104N-R59W	12.4

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application proposes to transfer previously developed acreages under License #464-3 to the above land descriptions. An equal number of developed acres will be deleted from License #464-3; therefore, no increase will result in either total acreage irrigated or diversion rate.

A small pond is used to regulate system flows. The pond is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36-T104N-R60W and holds approximately 2 to 4 acre feet of water.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Davison)^{ss}

I, G.H. Shanard, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed [Signature]

Subscribed and sworn to before me this 20th day of May 19 88

Mary Ackman
Notary Public

2-13-93

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application May 23, 1988

Date Soil/Water Compatibility Permit received July 11, 1988

Date of return to applicant for correction, amendments or changes required _____

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5207-3

on October 6, 1988 for Jim-Rec-Aq Corporation, G.H. Shanard, President
(Applicant)

PO Box 1023 Mitchell South Dakota 57301
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5207-3 changes the location of 43.1 irrigated acres authorized by Water Right No. 464-3 from the SW $\frac{1}{4}$ Section 36-T104N-R60W to the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31-T104N-R59W. Water is diverted from the James River to the irrigation system via a regulating pond (approximately 2 to 4 acre-feet storage capacity) located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36-T104N-R60W. This permit does not authorize irrigation of additional acreage or any increase in water appropriation.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 1
3. The date from which applicant may claim the right is April 20, 1957 (see Water Right No. 464-3)
4. One-fifth of the construction is ~~to be~~ completed ~~on or before~~ _____
5. All construction is ~~to be~~ completed ~~on or before~~ _____
6. Water is ~~to be~~ put to beneficial use ~~on or before~~ _____
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

JOHN HATCH

FEB 14 1989

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4263

WR#

OWNERS NAME: Jim-Rac-AC Corporation

OWNERS ADDRESS: PO Box 1023
Mitchell, SD 57201

COUNTY LAND LOCATED IN: Davison

PHONE: 996-

LEGAL DESCRIPTION:

1. LOCATION 690 ft N & 230 ft E flow regulating pond 1780 ft N & 2145 ft E

☐ Well

☒ Surface

Depth both from the SW corner of Section 36-T104N-R60W

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 NE 1/4 31-T104N-R59W</u>	<u>30.7</u>		
<u>SW 1/4 NE 1/4 31-T104N-R59W</u>	<u>12.4</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: xx GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: James River

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

The drainage tile system shall be maintained and used in a manner which is beneficial to the crop grown and enhance the leaching of salts from the soil profile.



☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIREMENTS

Keith L. Harnes
Director, Division of Conservation

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

MANAGEMENT FORM

4263

APPROVED with requirements

NAME OF APPLICANT: Jim-Rec-AG Corporation

LEGAL DESCRIPTION: portions of sw1/4 NE1/4, and SE1/4 NE1/4
31-T104N-R59W

REQUIREMENTS:

The drainage tile system shall be maintained and used in a manner which is beneficial to the crop grown and enhance the leaching of salts from the soil profile.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to conserve soil moisture and control erosion. We also recommend the periodic application of water in excess of plant needs to enhance the leaching of salts from the soils profile.

7/8/88
DATE

James L. Stahl
SIGNATURE



RECEIPT

Division of Water Rights

411256

South Dakota Department of Water and Natural Resources

Pierre, May 23, 1988, 19

RECEIVED OF Jim Rec Ag, Inc., PO Box 1023, Mitchell, SD 57301

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5207-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH 

WATER RIGHTS DIVISION
(605) 773-3352

January 24, 1985⁶²

Shanard Incorporated
RR#3
Mitchell, South Dakota 57301

Dear Mr. Shanard:

I am contacting you regarding the final inspection of Water Permit Nos. 1357-3 and 1752-3, plus an investigation on the status of Water License No. 464-3. On May 9, 1985, I spoke to Don Stehly concerning the above permits and license which are under the name of Jim-Rec-Ag Incorporated. The purpose of the final inspection is to compare the original conditions of the permits with what has been developed. After any necessary corrections are made, the water permits are licensed and become water rights.

Mr. Stehly indicated that the system currently consists of the two center pivots located in section 36-T104N-R60W and Section 31-T104N-R59W. However, some of the acreage irrigated by the center pivots is not covered by Permit Nos. 1357-3, 1752-3, or by License No. 464-3. The acreage listed on the enclosed application which is outlined in red on the attached map is the area not covered by a permit. The enclosed application is an amendment to License No. 464-3 which allows for a transfer of acreage to cover the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31. An amendment allows for an exchange of acreage. In this case, the SW $\frac{1}{4}$ of Section 36 was licensed for 81 acres, but since the pivots were installed this acreage is no longer irrigated. Therefore, the acreage no longer irrigated will be transferred by this permit application to cover the acreage being irrigated by the pivot in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31. The priority date will remain the same as listed on License No. 464-3.

Soil and Water Compatibility approval may also be required for the area listed on the enclosed application. Enclosed is a WI-1 Form which must be completed to obtain soil and water compatibility approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259)

Please answer any questions which have not been completed and correct any errors. Inform our office if any variation exists between the enclosed information and the actual condition of the irrigation system. The forms must then be notarized and returned with an application fee of \$50.00. Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5207-3, Jim-Rec-Ag Corporation

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5207-3, Jim-Rec-Ag Corporation, G.H. Shanard, President, PO Box 1023, Mitchell SD.

The Chief Engineer is recommending APPROVAL of Application No. 5207-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 25, 1988

Report on Application 5207-3
Jim-Rec-Ag Corporation
August 24, 1988

Water Permit Application 5207-3 was submitted for Jim-Rec-Ag Corporation (G.H. Shanard, President) of Mitchell, South Dakota to change the location of irrigated acreage previously authorized by Water Right No. 464-3. Water Right No. 464-3 authorizes the irrigation of portions of Section 36, T104N, R60W from the James River at a diversion point in the SW1/4 SW1/4, Section 36, T104N, R60W. This application is to change the location of 43.1 acres irrigated under Water Right No. 464-3 from the SW1/4, Section 36, T104N, R60W to the S1/2 NE1/4, Section 31, T104N, R59W. Water is diverted from the James River, pumped to a 2 to 4 acre-foot capacity regulating pond located in the NE1/4 SW1/4, Section 36, T104N, R60W, and then distributed to the irrigation systems. This application does not authorize any increase in irrigated acreage or any increase in water appropriation from the James River.

Background

In 1975 Jim-Rec-Ag, Inc. replaced most of their sprinkler irrigation equipment with 2 large center pivots to cover the lands irrigated under Water Right No. 464-3 and Permit Nos. 1357-3 & 1752-3 (WRD Permit File No. 1752-3, 1975). On May 9, 1985 Ron Duvall, Water Rights Division engineer inspected the 3 permits in conjunction with the licensing of No. 1357-3 and 1752-3. It was discovered that lands in the S1/2 NE1/4 of Section 31, T104N, R59W were being irrigated by one of the center pivots but were not covered under any of the above described permits. South Dakota Codified Law 46-5-34 allows the transfer of irrigated lands without losing priority. This application is to transfer the 43.1 irrigated acres in the S1/2 NE1/4, Section 31, T104N, R59W to No. 464-3 in exchange for deleting an equal number of acres in the SW1/4 of Section 36, T104N, R60W authorized by No. 464-3. The new acreage will retain the priority date of No. 464-3. Therefore no additional acreage is requested and no increase in diversion rate is authorized (WRD Permit Application No. 5207-3, 1988).

Water Availability

Water Permit Application No. 5207-3 does not authorize any increase in the diversion rate and thus does not increase appropriated withdrawals from the James River. The transferred lands will retain the April 20, 1957 priority date for No. 464-3 (WRD File No. 464-3, 1959). As with all water rights on the James River, this application for use of James River flows would be subject to shut off orders depending on flow conditions in the river.

Existing Water Permits

Water Right Nos. 93-3, 94-3, and 4354-3, and future use Permit No. 3144-3 are for diversion of water from the James River within approximately one mile of the applicant's diversion point. Water Right No. 93-3, with an earlier priority date, can divert water a few hundred feet below the application diversion point (WRD Permit Files, 1988). No interference is expected because this application does not authorize any increase in the diversion rate or request any change in the diversion point. As noted earlier, the lands to be transferred by this application have been irrigated since 1975 and the Water Rights Division has received no complaints against irrigation of this acreage (WRD Complaint Files, 1988).

Conclusions

1. Water Permit Application No. 5207-3 requests a change in the location of irrigated acreage from lands authorized by Water Right No. 464-3 to those requested in this application.
2. This application will retain the priority date of Water Right No. 464-3.
3. Water is available from the James River for this application as no additional water is requested. However, because of variability in river flows and the needs of higher priority users irrigation will be restricted in some years due to periods of low flow.
4. Although other Water Rights holders divert water from the James River near the applicant's diversion point, no interference is expected because the application does not authorize any increase in the diversion rate or any change in the diversion point location.
5. The lands involved in Water Permit Application No. 5207-3 have been irrigated since 1975 with no complaints filed against their use.
6. This permit can be approved with the James River below Huron qualification placed on withdrawals from its James River diversion point.



Thomas M. Brandner
Natural Resources Engineer

References

Water Rights Division, 1988, Complaint Files, DWRN, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, Permit Files, DWRN, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1959, Permit File No. 464-3, DWRN, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1975, Permit File No. 1752-3, DWRN, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, Permit Application No. 5207-3, DWRN, Joe Foss Bldg., Pierre, SD.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 26, 1988

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

Jim-Rec-Ag Corporation
G. H. Shanard, President
PO Box 1023
Mitchell SD 57301

Dear Mr. Shanard:

Your Application No. 5207-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publishers of the Mitchell Daily Republic, Mitchell SD and Alexandria-Herald, Alexandria SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

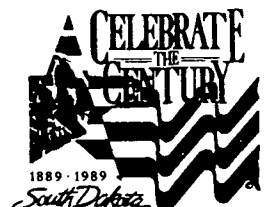
Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 26, 1988

Alexandria-Herald
Box 450
Alexandria SD 57311

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5207-3 to be published twice. Please publish the first notice on or before September 1, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Jim-Rec-Ag Corporation, G. H. Shanard, President, PO Box 1023, Mitchell SD 57301.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

No. _____

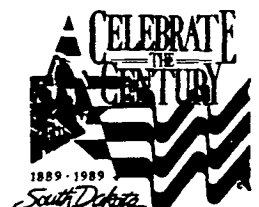
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 26, 1988

Mitchell Daily Republic
Box 1288
Mitchell SD 57301

Dear Sir:

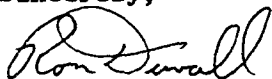
Enclosed is a Notice of Hearing on Application No. 5207-3 to be published twice. Please publish the first notice on or before September 1, 1988 with the second publication 7 days later.

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Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

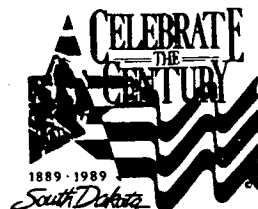
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before September 1, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5207-3
To Change the Location of Irrigated Acreage

Notice is given that Jim-Rec-Ag Corporation, G.H. Shanard, President, PO Box 1023, Mitchell SD 57301 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 464-3 authorizes irrigation of portions of Section 36-T104N-R60W from the James River in the SW 1/4 SW 1/4 Section 36-T104N-R60W. This application is to change the location of 43.1 irrigated acres authorized by Water Right No. 464-3 from the SW 1/4 Section 36-T104N-R60W to the S 1/2 NE 1/4 Section 31-T104N-R59W. Water is diverted from the James River to the irrigation system via a regulating pond (approximately 2 to 4 acre-feet storage capacity) located in the NE 1/4 SW 1/4 Section 36-T104N-R60W. This application is not to authorize irrigation of additional acreage or any increase in water appropriated from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5207-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Davison)



I, Penny Hohbach hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Republic

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Daily Republic of Mitchell

County of Davison and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

September 8, 1988

September 1, 1988

Penny Hohbach
(Signature)

Legal Advertising
(Title)

9-13-88
(Date Signed)

Cost of Printing: \$101.64

address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

NOTICE OF HEARING
on Application No. 5207-3
To Change the Location
of Irrigated Acreage

Notice is given that Jim-Rec-Ag Corporation, G.H. Shanard, President, PO Box 1023, Mitchell SD 57301 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 464-3 authorizes irrigation of portions of Section 36-T104N-R60W from the James River in the SW 1/4 Section 36-T104N-R60W. This application is to change the location of 43.1 irrigated acres authorized by Water Right No. 464-3 from the SW 1/4 Section 36-T104N-R60W to the S 1/2 NE 1/4 Section 31-T104N-R59W. Water is diverted from the James River to the irrigation system via a regulating pond (approximately 2 to 4 acre-foot storage capacity) located in the NE 1/4 SW 1/4 Section 36-T104N-R60W. This application is not to authorize irrigation of additional acreage or any increase in water appropriated from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5207-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on October 5, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352). The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hanson) ss.

I, David L. Stutz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Alexandria Herald

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Alexandria

County of Hanson and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

September 1, 1988

September 8, 1988

David L. Stutz
(Signature)

Editor
(Title)

Sept 9, 1988
(Date Signed)

Cost of Printing: \$57.69

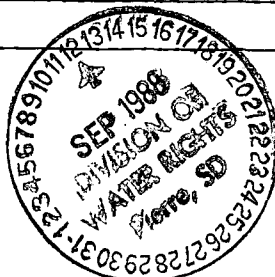
NOTICE
OF HEARING

ON APPLICATION NO. 5207-3
TO CHANGE THE LOCATION
OF IRRIGATED ACREAGE

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SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 12, 1988



Penny Hohbach
Mitchell Daily Republic
PO Box 1288
Mitchell SD 57301

Dear Ms. Hohbach:

This letter is in response to receipt of the enclosed Proof of Publication on September 9, 1988. I am returning the Proof of Publication because your signature was omitted. Please sign the Proof of Publication where indicated and return to the Division of Water Rights. Application No. 5207-3 can not be considered by the Water Management Board until a signed Proof of Publication is received.

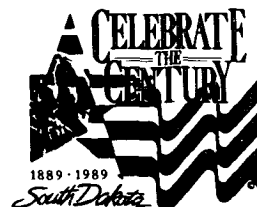
Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

South.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

FEB 14 1989

Jim-Rec-Ag Corporation
G. H. Shanard, President
PO Box 1023
Mitchell, South Dakota 57301

Dear Mr. Shanard:

Enclosed is your Water Permit No 5207-3_____ as approved by the Water Management Board authorizing construction of the water system and the application of water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

JH:ms

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 15, 1989

5207-3

Jim-Rec-Ag Corporation
G H Shanard, President
PO Box 1023
Mitchell, SD 57301

Dear Mr. Shanard:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under Water Permit Nos. 5207-3, 1752-3, 1357-3 and 464-3 have been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Permit Nos. 464-3, 1357-3 and 1752-3 will be incorporated into No. 5207-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



RECEIPT

411889

Division of Water Rights

South Dakota Department of Water and Natural Resources

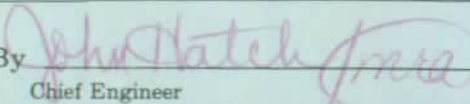
Pierre, August 24, 1989RECEIVED OF Jim-Rec-Ag, Inc., P.O. Box 1023, Mitchell, SD 57301

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5207-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer



Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Jim-Rec-Ag Corporation,
G.H. Shanard, Pres., PO Box 1023 of Mitchell SD 57301 holder of
464-3 1752-3 * April 20, 1957
 Permit Nos 1357-3 5207-3, bearing the priority of February 10, 1967 authorizing
 the diversion of 16.43 cu. ft. per second of the waters of the James River
 for irrigation purposes, in Davison and Hanson County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

motor: Century pump: Berkeley
 Part 6-323058-1 S.N. 7740053
 40hp, 1765 rpm M.N. B6JPBM
 imp. 11 5/8 in.

motor: Century
 Part. 6-323058-1
 40hp, 1765 rpm

pump: Berkeley
 S.N. 7740054
 M.N. B6JPBM
 imp. 11 5/8 in.

motor: Century
 Part. 643 23060-01
 50hp, 1765 rpm

pump: Berkeley
 S.N. 7575146
 M.N. B6JPBM
 12 1/4 imp

motor: General Electric
 M.N. 5K364XAM204
 60 hp

pump: Cornell
 M.N. 6NHBW6-4
 S.N. 11341
 imp. 12 in.

B. Works used to transport water to place of use:

Pipeline: size - 15 in. 12 in.
 type - PVC PVC
 length - 2180 ft. 6400 feet

Holding pond:

crest height - 6 feet
 spillway - floods over
 crest width - 15 feet
 crest length - 200

capacity - 2 to 4 ac.-ft.
 screw valve outlet

C. Works used to apply water to beneficial use:

center pivots (2): make - Valley Valley
 # of towers - 15 14
 pressure - high, 90psi high, 90psi
 capacity - 2500 gpm combined

The system is in the following condition

good

(690 ft N and 230 ft E of SW corner sec 36) (1780 ft N and 2145 ft E of SW
 corner sec 36)
 The point of diversion is located James River: SW 1/4 SW 1/4; holding pond: NE 1/4 SW 1/4;
both in section 36-T104N-R60W

The works are capable of diverting and conveying to the place of use 5.58cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: see attachment "A"

* Acreage is described according to Permit No. and priority date
Water Right No. 464-3, Permit Nos. 1357-3 and 1752-3 are to be
incorporated into No. 5207-3

comprising a total of 553.1 acres of land and the license should be issued for 5.58 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date 8/14/89Inspected May 9, 1985

Ron Duval
 (signature)

Attachment A - Permit No. 5207-3

Water Right No. 464-3 - Priority: April 20, 1957

	Acres		Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 36-T104N-R60W	25	NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 36-T104N-R60W	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	40	SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	23
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	40	SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	38
Total - 206			

Water Permit No. 1357-3 - Priority: February 10, 1967

	Acres		Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 31-T104N-R59W	27	NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 31-T104N-R59W	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	17	SW $\frac{1}{4}$ SW $\frac{1}{4}$ "	24
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	40	SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	26
Total - 174			

Water Permit No. 1752-3 - Priority: February 10, 1967

	Acres		Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 31-T104N-R59W	40	SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 31-T104N-R59W	38
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	33	SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	19
Total - 130			

Water Permit No. 5207-3 - Priority: April 20, 1957

	Acres		Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 31-T104N-R59W	30.7	SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 31-T104N-R59W	12.4
Total - 43.1			

Total irrigated acreage - 553.1 acres

464-3 1752-3

LICENSE FOR PERMIT NUMBER 1357-3 5207-3

1. Legal location of wells: _____

dams & structures: NE 1/4 SW 1/4 section 36 - T104N - R60W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 15 in 12 in

b) type PVC PVC

c) length 2180 feet 6400 feet

4. Dam Information: holding pond

a) height to crest 6 feet m) Outlet tubes:

b) height to primary spillway Floods 1) diameter _____

c) height to secondary spillway over 2) type _____

d) crest width 15 feet 3) valved (Y/N)

e) crest length 200 feet 4) valve type screw

f) spillway length _____ 5) location on structure

g) spillway width _____ center of fill

h) approx. storage 2 to 4 ac-ft n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivots 2

- 1) make both Valley
- 2) number of towers 15, 14
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure 90psi
- 7) make & size of nozzles
Rainbird
- 8) capacity (GPM) 2500
combined

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes ☒ No ☐

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? ☒ ☐
2. Special qualifications to permit being abided by? ☒ ☐
3. All structures, wells and lands on map? ☒ ☐
4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? ☐ ☐
5. Is chemigation used? ☐ ☐
6. If yes, does equipment comply with chemigation rules? ☐ ☐

REMARKS:

See examination of works for pump equipment

150-R

150-R

39.9

2900

52.4

11.3

36

83.8

10.2

13.8

248.2

31

13.3

11.3

104-59

25.5

104-60

16.6

1780 ft

2145 ft

230 ft

690 ft

36 31
1 6

Ron Duvall
Natural Resources Engineer
8/9/88

Appl. No. 5207-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5207-3

(1) Jim-Rec-Ag Corporation of P.O. Box 1023, Mitchell, South Dakota 57301 made Application No. 5207-3, May 23, 1988 for a water permit to appropriate no additional cubic feet of water per second from the James River in Davison and Hanson Counties, South Dakota for irrigation purposes. Permit No. 5207-3 with a priority date of April 20, 1957 was approved October 6, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5207-3 authorized a change in location of 43.1 irrigated acres authorized by Water Right No. 464-3. Permit No. 5207-3 did not authorize additional acreage or an increase in water appropriation.

The land described in Water Right No. 464-3 and Water Permit Nos. 1357-3 and 1752-3 are operated as one system. The applicable portions of Water Right No. 464-3 and Permit Nos. 1357-3 and 1752-3 are incorporated into this Water License No. 5207-3. The priority dates, as they pertain to the land irrigated, are described in (3) of this License.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 5.58 cubic feet of water per second for beneficial use. The location of the diversion point on the James River is 690 ft N and 230 ft E of the SW corner Section 36 (SW1/4 SW1/4); a holding pond is located 1780 ft N and 2145 ft E of the SW corner Section 36 (NE1/4 SW1/4); both in Section 36, T104N, R60W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T104N, R60W Section 36

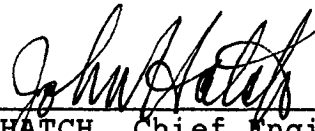
SW1/4 NE1/4	25	acres	Priority:	April 20, 1957	(No. 464-3)
SE1/4 NE1/4	40	"	"	"	"
NW1/4 SE1/4	40	"	"	"	"
NE1/4 SE1/4	40	"	"	"	"
SW1/4 SE1/4	23	"	"	"	"
SE1/4 SE1/4	38	"	"	"	"

T104N, R59W Section 31

SW1/4 NE1/4	30.7	acres	"	"	"	(No. 5207-3)
SE1/4 NE1/4	12.4	"	"	"	"	"
NW1/4 SE1/4	40.0	acres	Priority:	February 10, 1967	(No. 1752-3)	
NE1/4 SE1/4	33.0	"	"	"	"	"
SW1/4 SE1/4	38.0	"	"	"	"	"
SE1/4 SE1/4	19.0	"	"	"	"	"
SW1/4 NW1/4	27.0	acres	"	"	"	(No. 1357-3)
SE1/4 NW1/4	17.0	"	"	"	"	"
NW1/4 SW1/4	40.0	"	"	"	"	"
NE1/4 SW1/4	40.0	"	"	"	"	"
SW1/4 SW1/4	24.0	"	"	"	"	"
SE1/4 SW1/4	26.0	"	"	"	"	"

Total 553.1 acres

(4) Pursuant to Section 46-5-30.1 Jim-Rec-Ag Corporation of P.O. Box 1023, Mitchell, SD 57301 the holder(s) and/or owner(s) of Incorporated No. 5207-3 is issued a license to appropriate water, the right to use 5.58 cubic feet of water per second from the James River with priority dates of April 20, 1957 and February 10, 1967 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 5207-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 14 1989



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

5207-3

SEP 14 1989

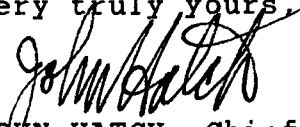
Jim-Rec-Ag Corporation
G.H. Shanard, President
P.O. Box 1023
Mitchell, SD 57301

Dear Mr. Shanard:

Enclosed is Water License No. 5207-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411889 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

NOTE: The applicable portions of Water Right No. 464-3 and Permit Nos. 1357-3 and 1752-3 are incorporated into this Water License No. 5207-3.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1990

NOTICE OF SHUTOFF ORDER

5207-3

TO: Koupal, Dan
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin W. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 20, 1990

RESCISSION OF SHUTOFF ORDER

5207-3

TO: Dan Koupal
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

A handwritten signature in black ink, appearing to read "John Hatch".

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James River Water Right Holders

The flows in the Lower James River have improved. Therefore, I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the Huron Third Street Dam to the I-90 bridge near Mitchell.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
6/18/90	25.44	1.14	12.02	65.12	206.10	186.00
6/19/90	—	2.13	14.31	62.00	245.80	116.90
6/20/90	28.00	1.86	13.00	58.23	—	136.10

If the flows of the river should decrease to a level that will again require a shutoff in 1990, water rights with junior priority dates will receive shutoff orders first.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 8, 1990

NOTICE

5207-3

TO: Dan Koupal
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

A handwritten signature in black ink, appearing to read "John Hatch", written over the typed name in the "FROM:" field.

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 13, 1990

5207-3

Dan Koupal
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

Dear Mr. Koupal:

In response to your request by telephone, you are authorized to continue pumping from the James River under your water right.

The flows in the James River will continue to be monitored. If the flows become so low that use by senior water right holders or domestic users becomes impaired a shutoff order will again be issued.

If there are any questions, please contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

John Hatch, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 2, 1991

5207-3

Gene Stehly
Jim-Rec-Ag, Inc.
RR 4 Box 265
Mitchell, SD 57301

Dear Mr. Stehly:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1991

NOTICE

5207-3

TO: Gene Stehly
Jim-Rec-Ag, Inc.
RR 4 Box 265
Mitchell, SD 57301

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 12, 1991

Gene Stehly
Jim-Rec-Ag, Inc.
RR 4 Box 265
Mitchell, SD 57301

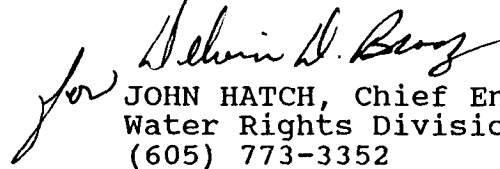
Dear Mr. Stehly:

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right No. 5207-3 from the James River.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights. We will continue to monitor the river and will be in contact with you if low flows become a problem.

If you have any questions, please do not hesitate to contact this office.

Very truly yours

for 
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



June 3, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE OF SHUTOFF ORDER

5207-3

TO: JIM-REC-AG CORPORATION
G H SHANARD-PRES
PO BOX 1023
MITCHELL, SD 57301

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Shut Off Order to All James River Water Right Holders
With Diversion Points Between the Third Street Dam in
Huron and I-90 near Mitchell, Effective Immediately.

The flows in the James River are listed below:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
6/2/92	45	0	---	0	5.3	22
6/3/92	0	0	---	0	5	18

To protect remaining water supplies for domestic use (livestock watering), effective immediately, no pumping of water from the James River between the Third Street Dam in Huron and I-90 near Mitchell is authorized until January 1, 1993 or until further notice. Shut off orders were issued several weeks ago for those water rights above Third Street Dam in Huron.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above I-90. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 22, 1992

RESCISSION OF SHUTOFF ORDER

5207-3

TO: Don Stehly
RR4
Mitchell, SD 57301

FROM: *for* John Hatch, Chief Engineer *Delvin W. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of June 3, 1992 Shutoff Order to
James River Water Right Holders from the
Huron Third Street Dam to I-90 near
Mitchell.

As per your telephone conversation with Del Brosz on June 19, 1992, the Shutoff Order of June 3, 1992 is rescinded, effective immediately, for James River Water Right Holders between the Huron Third Street Dam to I-90 near Mitchell. We will continue to monitor the flows of the James River through the summer. **The present increase in flow may only be temporary.** If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

cc: Jim-Rec-Ag Corporation, G H Shanard - Pres. PO Box
1023, Mitchell, SD 57301

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 20, 1992

Don Stehly
Route 4, Box 262
Mitchell, SD 57301

Dear Mr. Stehly:

I am writing in response to a telephone call from Craig Stehly requesting an extension to pump from the James River. You are authorized to continue irrigation at a rate not to exceed 1300 gallons per minute until August 26, 1992 under Water Right No. 5207-3.

If you have any questions, please contact Del Brosz (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 7, 1997

5207-3

Don Stehly
Jim-Rec-Ac, Inc
RR 4 Box 265
Mitchell, SD 57301

Dear Mr. Stehly:

I am writing this letter in response to your telephone call requesting an extension to pump from the James River. You are hereby authorized to continue irrigation authorized by Water Permit No. 5207-3 from the James River beyond the August 10 shutoff date.

If you have any questions, please do not hesitate to contact the Water Rights Program at phone (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: JIM-REC-AG CORPORATION attn G H SHANARD-PRES
PO BOX 1023
MITCHELL SD 57301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 5207-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: JIM-REC-AG CORPORATION attn GENE STEHLY, OP
40240 250TH ST
MITCHELL SD 57301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 5207-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 5207-3**

To: JIM-REC-AG CORPORATION
PO BOX 1023
MITCHELL SD 57301

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: James River Qualification Reminder for Permit No(s). 5207-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: GENE STEHLY, OPERATOR, 40240 250TH ST, MITCHELL, SD 57301

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5207-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5207-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5207-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FBEZEZ**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: GENE STEHLY, OPERATOR, 40240 250TH ST, MITCHELL, SD 57301

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

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1. Suspend or cancel Permit No(s) 5207-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FBEZEZ**

cc: JIM-REC-AG CORP, PO BOX 1023, MITCHELL SD 57301

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2024

5207-3

Gene Stehly, Op
40240 250th St
Mitchell SD 57301

Dear Mr. Stehly:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 5207-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: JIM-REC-AG CORP, PO BOX 1023, MITCHELL SD 57301